



2667
PATENT
HMD2000-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas N. Giaccherini, et al.

Examiner: Ly, Anh Vu H.

Serial No.: 09/579,324

Group Art Unit: 2667

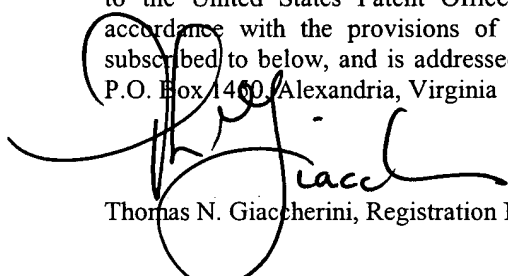
Title: **Method for Utilizing
Excess Communications Capacity**

Filed: 25 May 2000

RECEIVED
APR 08 2004
Technology Center 2600

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

The undersigned hereby certifies that this document is being transmitted to the United States Patent Office by U.S.P.S. First Class Mail in accordance with the provisions of 37 CFR Section 1.8 on the date subscribed to below, and is addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Thomas N. Giaccherini, Registration No. 31,075

2 April 2004.
Date

FIRST AMENDMENT

The Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Applicants submit this First Amendment in response to the First Office Action dated 2 October 2003. The First Office Action provided a shortened statutory period for response which expired on 2 January 2004. This First Amendment is accompanied by a Petition for a Three Month Extension of Time, which will extend the period for response until 2 April 2004.

First Amendment for U.S.S.N. 09/579,324
Attorney Docket No. HMD2000-1
Page 2

APPLICATION HISTORY

In the First Office Action mailed on 2 October 2003, the Patent Office issued a non-final rejection of pending Claims 1-24 under 35 USC Sections 112, 102 and 103 as being unpatentable over U.S. Patent No. 6 029 045 issued to Picco et al.

INDEX OF AMENDMENT SECTIONS

Section A- Amendments to the Claims, including a Complete Listing of All Pending Claims, as currently amended, in accordance with New Patent Rule 1.121.

Section B- Amendments to the Specification

Section C- Submission of Formal Drawings

Section D- Remarks- Objections under Section 112

Section E- Remarks- Rejections under Section 102(e) & 103(a)

Section F- Remarks- Provisional Double Patenting Rejections

Section G- Summary of Status of All Claims in the Application

Section H- Conclusion- Payment of Fees & Request for Allowance of Claims